



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,189	09/04/2003	Carmen R. Porco	374827.13537	6850

7590 06/22/2005
Marvin H. Kleinberg
KLEINBERG & LERNER
2049 Century Park East, #1080
Los Angeles, CA 90067

EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

Office Action Summary	Application No. 10/655,189	Applicant(s) PORCO, CARMEN R.	
	Examiner Victor MacArthur	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Mac

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffmann (U.S. Patent 5,515,655).

Claim 1. Hoffmann discloses (fig.1) an apparatus for mounting an accessory device comprising: an outer jaw clamping member (60); an inner jaw clamping member (50) adapted to cooperate with said outer jaw clamping member to provide a stable and secure mounting platform for the accessory device (12), said inner clamping jaw member having a central orifice (52); a coupling member (26) adapted to be connected to the accessory device, said coupling member having a collar portion (28) extending therefrom and adapted to fit into said inner jaw clamping member central orifice; and first locking means (46) for securing said collar portion to said inner jaw clamping member.

Claim 4. Hoffmann discloses (fig.1) an apparatus for mounting an accessory device to a railing structure comprising: an outer jaw clamping member (60); an inner jaw clamping member (50) adapted to cooperate with said outer jaw clamping member for attaching to the railing structure to provide a stable and secure mounting platform for the accessory device (12) said inner clamping jaw member having a central orifice (52) with an axis substantially orthogonal to the railing structure; a coupling member (26) adapted to be connected to the accessory device,

Art Unit: 3679

said coupling member having a collar portion (28) extending therefrom and adapted to fit into said inner jaw clamping member central orifice; and first locking means (46) for securing said collar portion to said inner jaw clamping member.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Linse (U.S. Patent 5,862,635).

Claim 1. Linse discloses (figs. 1, 2 and 6) an apparatus for mounting an accessory device comprising: an outer jaw clamping member (43); an inner jaw clamping member (47, 64) adapted to cooperate with said outer jaw clamping member to provide a stable and secure mounting platform for the accessory device (90), said inner clamping jaw member having a central orifice (orifice in 64 receiving 62); a coupling member (51, 62) adapted to be connected to the accessory device, said coupling member having a collar portion (62) extending therefrom and adapted to fit into said inner jaw clamping member central orifice; and first locking means (67) for securing said collar portion to said inner jaw clamping member.

Claim 2. Linse discloses that the first locking means include: a plurality of first apertures (apertures in 62 receiving 67) around the circumference of said collar member; a diametrically aligned second aperture (aperture in 64 receiving 67) in said inner clamping jaw member; and a pin member (67 as described in col. 5, l. 20) adapted to be inserted through said second aperture and a selected pair of first apertures for fixedly engaging said coupling member in said inner clamping jaw member in a desired orientation.

Art Unit: 3679

Claim 3. Linse discloses a second locking means including a threaded portion (threads on 51) on said collar portion and a locking nut (54) mounted on said threaded portion for exerting a withdrawing force on said pin member.

Claim 4. Linse discloses (figs. 1, 2 and 6) an apparatus for mounting an accessory device to a railing structure comprising: an outer jaw clamping member (43); an inner jaw clamping member (47, 64) adapted to cooperate with said outer jaw clamping member for attaching to the railing structure to provide a stable and secure mounting platform for the accessory device (90) said inner clamping jaw member having a central orifice (orifice in 64 receiving 62) with an axis substantially orthogonal to the railing structure (as seen in fig. 6); a coupling member (51, 62) adapted to be connected to the accessory device, said coupling member having a collar portion (62) extending therefrom and adapted to fit into said inner jaw clamping member central orifice; and first locking means (67) for securing said collar portion to said inner jaw clamping member.

Claim 5. Linse discloses that the first locking means include: a plurality of first apertures (apertures in 62 receiving 67) around the circumference of said collar member; a diametrically aligned second aperture (aperture in 64 receiving 67) in said inner clamping jaw member; and a pin member (67) adapted to be inserted through said second aperture and a selected pair of first apertures for fixedly engaging said coupling member in said inner clamping jaw member in a desired orientation relative to the railing structure.

Claim 6. Linse discloses a second locking means including a threaded portion (threaded portion of 51) on said collar portion and a locking nut (54) mounted on said threaded portion for exerting a withdrawing force on said pin member.

Allowable Subject Matter

Note that claims 3 and 6 as currently written do not necessarily require that the collar itself be threaded. Rather the claims are currently broad enough to allow for a threaded surface on an element that is distinct from but mounted or connected "on said collar portion".

Claims 3 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and replacing the limitation "a threaded portion on said collar portion" (lines 2-3 of claim 3 and claim 6) with --a threaded outer collar surface of said collar portion--. Note that the limitation "said threaded portion" (line 3 of claim 3 and claim 6) should be replaced with --said threaded surface-- for consistent claim terminology.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to mounting apparatus:

Gunthel U.S. Patent 3,023,990

DiPaola U.S. Patent 3,937,451

Maeda U.S. Patent 4,534,535

Schoenig U.S. Patent 4,671,478

Moss U.S. Patent 4,901,970

Rappoport U.S. Patent 5,156,630

Buschulte U.S. Patent 5,380,117

Chang U.S. Patent 5,975,786

Art Unit: 3679

Kwon U.S. Patent 6,032,993

Cudmore U.S. Patent 6,158,705

Chen U.S. Patent 6,719,255

Spring Pub.No. US 2002/0021572 A1

Matts Pub.No. US 2004/0233676 A1

Slatter Pub.No. US 2004/0238714 A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (571) 272-7085.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

7/2/05
VLM

June 15, 2005



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600